



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 7, 1992

Mr. Howard C. Berger  
Attorney at Law  
P. O. Box 299  
Floresville, Texas 78114

OR92-682

Dear Mr. Berger:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17747.

The Floresville Volunteer Fire Department (the "department") has received a request for records relating to a certain fire call. You ask whether the department is a governmental body within the meaning of section (2)(1) of the Open Records Act. You advise us that although the department received an oral request for the documents in question, it never received a written request. Section 7(a) of the act provides:

If a governmental body receives *a written request* for information which it considers within one of the exceptions stated in Section 3 of this Act, but there has been no previous determination that it falls within one of the exceptions, the governmental body within a reasonable time, no later than ten calendar days, after receiving a written request must request a decision from the attorney general to determine whether the information is within that exception. If a decision is not so requested, the information shall be presumed to be public information. [Emphasis added.]

Because the department has not received a written request for the documents in question, the issue as to whether they must be released under the Open Records Act is not yet ripe. Until such time that the department has received a request in writing, we decline to address whether or not the department is a "governmental

body" within the meaning of section (2)(1) of the Open Records Act. Accordingly, we are closing our file on this matter.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-682.

Yours very truly,

A handwritten signature in cursive script that reads "Susan Garrison".

Susan Garrison  
Assistant Attorney General  
Opinion Committee

SG/GCK/lmm

Ref.: ID# 17747